

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BALLINASMALLA HOLDINGS LIMITED and  
CORRIB OIL BIOFUELS, LLC,

Petitioners,

18-cv-12254 (PKC)

-against-

ORDER

FCSTONE MERCHANT SERVICES, LLC and  
INTL FCSTONE MARKETS, LLC (f/k/a INTL  
HANLEY, LLC),

Respondents.

-----X  
CASTEL, U.S.D.J.

The Court has the parties' stipulation and proposed Order vacating the judgment.

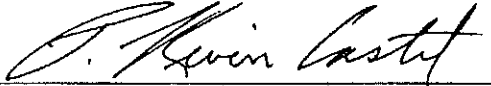
The Court's assumption is that the parties have resolved the matter in some way.

But simply vacating the judgment, leaves the action in a peculiar posture. The Court's Opinion and Order of February 19, 2020, which remains unaffected by an Order vacating the judgment, directs the Clerk to enter judgment. Vacating the February 20 judgment and reentering a new judgment revives the time for filing a notice of appeal. If no new judgment is entered, it may keep open the time for filing a notice of appeal for a certain period of time. See, e.g., Rule 4(a)(7)(A)(ii), Fed. R. App. The Court is hesitant to create an uncertainty.

The parties may wish to consider entering a stipulation and proposed Order that recites that, as a result of an agreement of the parties, the judgment of February 20, 2020 should be deemed to be satisfied in full.

Application DENIED without prejudice.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
August 25, 2020